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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/761,849

01/20/2004

Kuldeep Jain

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EXAMINER

PATEL, DHAIRYA A

ART UNIT

PAPER NUMBER

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MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/761,849	Applicant(s) JAIN ET AL.	
	Examiner Dhairya A. Patel	Art Unit 2451	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: NONE.
 Claim(s) objected to: NONE.
 Claim(s) rejected: 1-40.
 Claim(s) withdrawn from consideration: NONE.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/John Follansbee/
 Supervisory Patent Examiner, Art Unit 2451

Continuation of 11. does NOT place the application in condition for allowance because: As per remarks, Applicant stated the following:

A). Applicant states Dorenbosch does not teach "establishing the IP connection between the MS and the CD comprising the MS assigning an IP address to the CD and an IP address to the MS".

As per remark A, Examiner respectfully disagrees with the applicant because in column 5 lines 44-67, Dorenbosch teaches establishing IP connection between the gateway (i.e. computing device) and the first station and this is done by the first station (i.e. MS). In column 5 lines 44-55, Dorenbosch teaches assigning first IP address to the gateway by informing the gateway by the first station (i.e. assigning IP address to the CD). In column 6 lines 6-18, Dorenbosch teaches the mobile station must obtain an IP address (Y1) for station B into the gateway. The gateway will forward the traffic to the mobile station on IP address A1 (assigning IP address to the MS). This means the mobile station is assigned an IP address A1. Dorenbosch also states mobile endpoint may use additional IP addresses over the connection and provide them to the other endpoint, gateway as destination addresses (i.e. assigning IP address of the CD). Therefore Dorenbosch teaches the claimed limitation.

B). Applicant states combination of Dorenbosch and Elliott were combined it is not agreed to as proper, the combination would still fail to disclose or suggest claim 1.

As per remark B, Examiner respectfully disagrees with the applicant because Examiner has not used Elliott as a reference to combine w/ Dorenbosch for claim 1. Examiner has cited Phillips in combination of Dorenbosch to teach limitation of claim 1.

Dorenbosch does teach initiation of the set up of the IP connection comprising receiving a command over a local interface between MS and CD but is silent in teaching command from the CD over a local interface between MS and the CD. Dorenbosch is also silent in teaching in response to receiving over the IP connection an IP message at the MS from the CD, routing the received IP message to an application that is resident in the MS.

Phillips teaches initiation of the set up of the IP connection comprising receiving a command from CD over a local interface between MS and CD (column 4 lines 8-36). NOTE: The reference teaches receiving a command string which is the AT dial command from the TE device by the user (i.e. computing device) over dial-up interface.

Phillips also teaches in response to receiving over the IP connection an IP message at the MS from the CD, routing the received IP message to an application that is resident in the MS (column 4 lines 32-44). NOTE: The reference also teaches configuring TCP-based connection the MT device (mobile station) configures TCP protocol by opening a connection specifying the IP will be used to message transport. The IP protocol transmits the TCP packets to the IP address and send a connect message to the TE device and connect message then prompts the communication application (received IP message to the application).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Phillips's teaching in Dorenbosch's teaching to come up with having receiving command from the CD over the local interface and receiving IP message at MS and routing the message to an application. The motivation for doing so would be to establish a TCP/IP connection based on the connect message signal, therefore data packet transfer from the mobile terminal to the TE device can take place with ease.

Therefore Dorenbosch and Phillips teaches the claimed limitations.

Applicant filed claim amendments to claims 13-24 for overcoming the 101 rejections. The claim amendments have been entered.